

### REMARKS

Claims 2-17, 27, 29-44, 54, 56-71, and 81-84 are now pending in the present application, claims 1, 18-26, 28, 45-53, 55, and 72-80 having been canceled by the present amendment and new claims 82-84 having been added. Of the pending claims, claims 2, 27, 29, 54, 56, and 81 have been amended.

**Claim 2** has been amended to read as an independent claim and incorporates the limitations of claim 1, upon which it was originally dependent. **Claim 27** has been amended to depend from pending claim 2, rather than from claim 1, which has been canceled. **Claim 29** has been amended to read as an independent claim and incorporates the limitations of claim 28, upon which it was originally dependent. **Claim 54** has been amended to depend from pending claim 29, rather than from claim 28, which has been canceled. **Claim 56** has been amended to read as an independent claim and incorporates the limitations of claim 55, upon which it was originally dependent. **Claim 81** has been amended to depend from pending claim 56, rather than from claim 55, which has been canceled. New **claims 82-84** are supported by the specification at, for example, page 6, line 27. No new matter has been added.

### Allowable Subject Matter

The Examiner states, “[c]laims 2-17, 29-44, and 56-71 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims” (Office action at pages 2-3).

Without prejudice to their rights to pursue the subject matter of claims 1, 28, and 55, Applicants have canceled those claims and amended claims 2, 29, and 56 to read as independent claims that include the subject matter of now canceled claims 1, 28, and 55, respectively. Accordingly, claims 2, 29, and 56 as well as claims 3-17, 30-45, and 57-71, which depend from claims 2, 29, and 56, respectively, are in condition for allowance.

The Examiner did not include claims 27, 54, and 81 among the claims objected to, presumably because those claims (*i.e.*, claims 27, 54, and 81) depended from rejected claims 1, 28, and 55, respectively. Claims 27, 29, and 81 limit the patient to a human patient and have

been amended to depend from claims 2, 29, and 56. As claims 2, 29, and 56 were only object to, and as claims 2, 29, and 56 have been amended, as the Examiner suggested, to read as independent claims, Applicant respectfully submits that claims 27, 54, and 81 are also in condition for allowance.

35 U.S.C. § 102(e)

Claims 1, 27, 28, 54, 55, and 81 were rejected as being anticipated by Sackner (U.S. Patent No. 6,551,252) (Office action at page 2).

Claims 1, 28, and 55 have been canceled. As noted above, claims 27, 54, and 81, which depended from claims 1, 28, and 55, respectively, when originally filed have now been amended to depend from claims 2, 29, and 56, respectively. As claims 2, 29, and 56 were not rejected on the basis of prior art, claims depending therefrom should not be rejected on that basis either. Accordingly, the rejection is moot with respect to claims 1, 28, and 55, and Applicant respectfully requests reconsideration and withdrawal of the rejection as applied to claims 27, 54, and 81.

Claims 1, 27, 28, 54, 55, and 81 were rejected as being anticipated by John (U.S. Patent No. 6,052,619) (Office action at page 2).

Claims 1, 28, and 55 have been canceled. As noted above, claims 27, 54, and 81, which depended from claims 1, 28, and 55, respectively, when originally filed have now been amended to depend from claims 2, 29, and 56, respectively. As claims 2, 29, and 56 were not rejected on the basis of prior art, claims depending therefrom should not be rejected on that basis either. Accordingly, the rejection is moot with respect to claims 1, 28, and 55, and Applicant respectfully requests reconsideration and withdrawal of the rejection as applied to claims 27, 54, and 81.

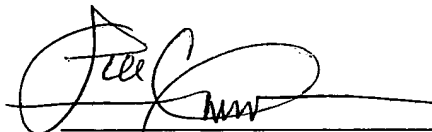
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No fees are believed to be due in connection with this Reply. If there are any fees, or any credits, please apply them to Deposit Account No. 06-1050, referencing Attorney Docket No. 00398-157001.

Respectfully submitted,

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